

DOCUMENT RESUME

ED 161 196

EC 112 331

TITLE Identifying and Reporting Child Abuse: A Model Policy and Rules.
INSTITUTION Iowa State Dept. of Public Instruction, Des Moines.
PUB DATE Sep 78
NOTE 18p.
EDRS PRICE MF-\$0.83 HC-\$1.67 Plus Postage.
DESCRIPTORS *Child Abuse; *Conceptual Schemes; Guidelines; *Models; *Policy Formation; *School Policy; State Legislation
IDENTIFIERS Iowa

ABSTRACT

Presented is a model for the development of school policies and rules for identifying and reporting child abuse. The document provides a model statement of rules and includes information regarding who must report, under what circumstances must a report be made, how a report is made, penalty, inservice, social service contacts, publication of rules, liaison, and support services. Appendix A contains the Iowa State Department of Social Services guidelines for reporting child abuse. Appendix B is a copy of the Suspected Child Abuse Reporting Form. (BD)

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MODEL POLICY AND RULES FOR IDENTIFYING
AND REPORTING CHILD ABUSE

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Des Moines, Iowa
September, 1978

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MODEL POLICY AND RULES FOR REPORTING CHILD ABUSE

Introduction

Child abuse afflicted several thousand children in Iowa in 1976, permanently scaring many physically and emotionally, and killing at least sixteen. It is no wonder then, that the Iowa legislature has taken steps to provide protection for children through mandated reporting of suspected child abuse. The legislative policy is clearly delineated in Section 235A.1, The Code 1977.

235A.1 Legislative findings - purpose and policy. Children in this state are in urgent need of protection from abuse. It is the purpose and policy of this chapter to provide the greatest possible protection to victims or potential victims of abuse through encouraging the increased reporting of suspected cases of such abuse, insuring the thorough and prompt investigation of these reports, and providing rehabilitative services, where appropriate and whenever possible to abused children and their families which will stabilize the home environment so that the family can remain intact without further danger to the child.

In 1965, the Iowa legislature passed into law a statute which required "health practitioners" to report child abuse. Nine years later the list of persons required to report was expanded to include certain social workers, licensed day-care center employees, certified psychologists, certificated school employees and other specified professionals. In addition, the law provides that any person who is not a mandated reporter may voluntarily make a report of suspected child abuse as a "permissive reporter."

The requirement for educators to report child abuse is clear. What is not so clear is the when and the how. The Department of Public Instruction feels that public and nonpublic schools should develop a procedure for the identification and reporting of child abuse. This model is designed to provide guidance in the development of school policies and rules for identifying and reporting child abuse.

We have borrowed extensively from the State Department of Social Services guidelines, as published in "They All Need Our Help: Iowa's Child Abuse Reporting System." The guidelines are reproduced for your reference in Appendix A.

It is of the utmost importance that a delineation be made between "policy" and "rules." Policy is a general statement of direction given by the board of directors to all concerned. A Rule is a procedure developed by the school administration by which the policy is to be carried out. Rules detail the application of policy to specific circumstances. The following policy and rules are only models and should not be adopted as school policy and rules in whole or in part without sufficient review and discussion by staff, students, community and legal counsel.

MODEL STATEMENT OF POLICY

It is the policy of the _____ School District that any employee who believes or has reason to believe that a student under the age of 18 has been abused, as defined by law, shall see that such child abuse or suspected child abuse is reported to the Department of Social Services.

Legal Reference: Chapter 235A,
The Code of Iowa

(Comment: Section 235A.3 requires that all certificated employees and other selected professional employees such as nurses and certificated psychologists report suspected child abuse. The model policy statement is broader in scope in that all employees are required to report.)

MODEL STATEMENT OF RULES

I. Who Must Report

- A. All employees who, in the course of their employment, come into contact with a student (or child) under the age of 18 who they reasonably believe has been the victim of child abuse shall report such child abuse or suspected child abuse under the provisions of these rules.

(Comment: School employees required by law to report child abuse, and employees subject to these rules come under the reporting requirement in contacts with students which come about in the "course of employment," that is, during regular school hours or during regularly scheduled school functions. Thus, an observation by a school employee that a neighbor child is being subjected to abuse on Saturday morning would not require, as a matter of law, the employee to make a report, as the observation did not occur in the course of employment. Under these circumstances the employee would be permitted and encouraged to make a report as a permissive reporter.

While there is some confusion in the application of the school guidance counselor confidentiality provisions of Section 622.10 to the reporting of suspected child abuse, there does not appear to be anything in that section which would prohibit the reporting of suspected child abuse. Thus, if a counselor becomes aware of child abuse during a confidential communication with a student or parent, the counselor must make a report or be willing to suffer the legal consequences.

Iowa law does not distinguish between certificated school employees of public and nonpublic schools. Certificated employees and other mandated reporters who are employees of nonpublic schools should be familiar with their responsibilities under Chapter 235A.)

- B. The term "employees" shall include all persons employed by the District as well as all agents and employees of other agencies assigned to provide services for students of the District.

(Comment: Agency employees providing services directly to the district, such as area education agency employees, will be required under these provisions to report suspected child abuse when providing those services to students. However, this provision would not require such reporting by employees of referral agencies not providing services directly to the district.)

II. Under What Circumstances Must a Report be Made

- A. A report of suspected child abuse must be made at such time as a school employee reasonably believes that a child has suffered abuse. "Abuse" shall be defined as follows:

1. Any nonaccidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child. A child's behavior or attempted explanation of a physical injury may cause an employee to believe that such injury was the result of child abuse. Employees should be aware of the following situations as possible warning signals of child abuse.
 - a. A child tells several conflicting stories as to the cause of the same injury.
 - b. A child seems to be injured frequently.
 - c. A child expresses reluctance to tell how the injury occurred.
 - d. A child is afraid to go home.
 - e. A child tells the teacher of a playmate that someone responsible for the child inflicted the injury.
 - f. A child relates a story about the injury that seems inconsistent with the injury.
2. The commission of any sexual abuse with or to a child, as defined by law, as a result of the acts or omissions of the person responsible for the care of the child.
3. The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing or other care necessary for the child's health and welfare when financially able to do so.

- B. For the purpose of this rule, "person responsible for the care of a child," means:

1. A parent, guardian, or foster parent.
2. A relative or any other person with whom the child resides, without reference to the length of time or continuity of such residence.
3. An employee or agent of any public or private facility providing care for a child.

(Comment: Professional school staff are persons legally responsible for the care of children under their provision. Presumably, the legal privilege of reasonable corporal punishment applies; however, under the Code's definition, if physical injury results, the professional staff person is a child abuser.)

- C. School employees shall not contact the child's family to determine the cause of the suspected abuse.

(Comment: It is the duty of the school employee to report suspected child abuse, not to investigate or prove whether a child has been abused.)

- D. Any personal interview or physical inspection of the child shall be conducted in a professional manner and, unless rapport may be destroyed, in the presence of another employee. The student should not be physically examined without the student's consent.

III. How a Report is Made

- A. All instances of suspected child abuse shall be reported immediately to the principal (or other person in charge of the attendance center.)

(Comment: Iowa law provides that the report be made to the person in charge of the "institution" or "that person's designated agent." A school could, therefore, designate someone other than the principal to have the responsibility of forwarding child abuse reports to the Department of Social Services.)

As much of the following information as is known by the reporting employee shall be included when reporting to the principal:

1. The names of the child and his or her parents and any other person believed to be responsible for the student's care and their home address.
 2. The child's present address or whereabouts if different from the home address.
 3. The child's age.
 4. The nature and extent of the child's injuries and any evidence of previous injuries.
 5. The names, ages and conditions of other children in the household.
 6. Any other information which the employee believes might be helpful in establishing the cause of the injury or the identity of the person responsible for the injury, or in providing assistance for the child.
 7. Name, address and telephone number of person making the report.
- B. The principal (or other person in charge of the attendance center) shall immediately contact the state or local Department of Social Services by telephone or other means and report the suspected child abuse. Such report shall contain as much of the information contained in paragraph A. as is known to the principal (or other person in charge of the attendance center.) The Department of Social Services shall be requested to keep the reporter's identity confidential.

(Comment: Telephone numbers of the various county departments and the telephone number of the State registry can be found in Appendix C.)

- C. In the event the principal (or other person in charge of the attendance center) has reason to believe that immediate protection for the child is advisable, he or she shall also make an oral report to an appropriate law enforcement agency.

(Comment: Section 235A.4, subsection 2, requires such a report.)

- D. The principal (or other person in charge of the attendance center) shall make a written report to the state or local Department of Social Services within 48 hours of making the oral report. Such report, if mailed, shall be sent registered mail, return receipt requested. If such report is delivered personally, a receipt for the report shall be obtained from Social Services.

(Comment: Iowa statute requires the filing of a written report within 48 hours of the oral report. All persons filing a child abuse report in good faith are immune from criminal and civil liability. At least one expert in the field recommends that parents not be told that a report is being filed. His primary fear is that the child will be further endangered. A reproduction of the reporting form used by Social Services may be found in Appendix B.)

- E. The employee filing a written report with the Department of Social Services shall keep an identical copy of the report until such time as it can be verified that Social Services has documentation of the report. Upon such verification, the employee's copy may be destroyed.

(Comment: Due to potential penalties for the failure to report, it may be wise to document such reports; however, a difficult problem exists in regard to documentation of reporting kept by school district employees. School personnel may be apprehensive to allow parents access to copies of a child abuse report filed by the school, but such a report does not appear to be an exception to the definition of education records subject to parental access under federal law. The school is caught between the desire for anonymity and federal student records legislation. Some ways of handling child abuse report documents are better than others, but none appear to completely protect the school from liability and protect both anonymity and parental access to records.)

- F. In the event a reporting employee has reason to believe that the principal (or other person in charge of the attendance center) has neglected or refused to file such reports as are required under these rules, that employee shall make the necessary reports to the state or local Department of Social Services. Such actions shall not result in any disciplinary action toward that employee.
- G. In the event that the principal (or other person in charge of the attendance center) is the person suspected of inflicting child abuse, the reporting employee may report directly to the Department of Social Services. Such actions shall not result in any disciplinary action toward that employee.

(Comment: Some school officials mistakenly assume that the act of forwarding the report is discretionary on their part. Iowa law clearly provides that the "person in charge of the institution, agency or facility, or the designated agent shall make the report." [emphasis added])

- H. Certificated employees may take photographs of the areas of trauma visible on a child if photographic equipment is readily available. In the event that photographs are taken, the Department of Social Services shall be so notified.

IV. Penalty

- A. Any willful failure by an employee to make a report as provided in these rules may result in disciplinary action against that employee.
- B. Such disciplinary action may include termination from employment.

(Comment: Knowing, willful failure to report suspected child abuse under Iowa criminal law is punishable by imprisonment not to exceed 30 days or a fine not to exceed \$100 or both. The potential civil penalty includes all damages caused by the employee's failure to report. Such civil liability may include hospital expenses and doctors' fees. While termination may be considered too severe a penalty in some instances, employees should understand that an employee's willful failure to report child abuse may have severe repercussions for the child and the school.)

V. Inservice

- A. The superintendent shall designate an employee of the district (or the area education agency) to be responsible for being knowledgeable in the procedure, requirements and manner for reporting suspected child abuse.
- B. The designee shall maintain on file a copy of applicable statutes, guidelines, interpretations and other materials regarding child abuse reporting.
- C. The designee shall aid and cooperate with district employees and members of the general public who desire information regarding child abuse reporting.
- D. The designee shall be responsible for providing employees with regular information and inservice training in child abuse identification and reporting.
- E. The designee shall make a special effort to see that all new employees become familiar with these rules.
- F. The designee shall be responsible for providing community groups and the media with information regarding child abuse reporting procedures upon request.

VI. Social Services Contacts in Regard to Reported Child Abuse

- A. In the event an investigator from the Department of Social Services wishes to talk to students, employees or an injured child who has been the subject of a child abuse report, the principal (or other person in charge of the attendance center) shall exercise discretion as to such contacts within the guidelines found in paragraph B.
- B. An investigator shall not be allowed to talk to the child who is the subject of a report without a court order or the knowledge and consent of at least one of the child's parents. Interviews with other students should take into account their age and maturity level. Consideration shall be given to contacting those students' parents prior to the interview. Interviews with students should be conducted in the presence of a professional employee. Interviews with employees should be conducted so as to not interfere unnecessarily with the operation of the school.
- [B. (Alternate) An investigator may be allowed by the principal (or other person in charge of the attendance center) to talk to a child who is the subject of a report when other access is not easily available to the investigator. The principal (or other person in charge of the attendance center) may use his or her discretion to determine whether to notify the parents before, during or after such an interview. Interviews with students should take into account their age and maturity level. Consideration shall be given to contacting the other students' parents prior to the interview. Interviews with students should be conducted in the presence of a professional employee. Interviews with employees should be conducted so that unnecessary interference with the operation of the school does not occur.]

(Comment: The Department of Social Services guidelines indicate that schools are encouraged to cooperate as fully as possible and to allow appropriate interviews. The guidelines also state that professional staff members may be present during such interviews and that parents may be notified of them. It should be noted that Section 235A.5, subsection 3, provides that parents may refuse permission for an investigator to interview the child in the child's home. In such an event, only a court, upon a showing of probable cause, may authorize the investigator to enter the home and examine the child.)

VII. Publication

The superintendent shall see that copies of this rule are available upon request at all attendance centers and that the rule or a detailed summary of the rule is published in a newspaper of general circulation in the district at least annually. Copies of the rule or a detailed summary may be sent to parents at the discretion of the principal (or other person in charge of an attendance center.)

VIII. Liaison

The superintendent or designated staff member shall attempt to meet with local social services authorities and law enforcement authorities at least annually to discuss the provisions of the district's rules on child abuse reporting.

IX. Support Services

School staff shall cooperate with other agencies and be supportive of abused children and their families.

(Comment: In 1978, the Iowa legislature amended Chapter 235A to allow social service employees to release a limited amount of information to reporters of suspected child abuse. One of the primary reasons for the change was to aid social workers in more easily obtaining the cooperation of school staff members in rehabilitative efforts for the families of abused children.)

Appendix A

Reporting Guidelines for Child Abuse

Introduction

The goals of the Child Abuse law as stated in 235A.1 of the Code of Iowa are:

- 1) To provide the greatest possible protection to victims or potential victims of abuse through encouraging the increased reporting of suspected cases of abuse.
- 2) To insure the thorough and prompt investigation of these reports.
- 3) To provide rehabilitative services, where appropriate and whenever possible, to abused children and their families which will stabilize the home environment so that the family can remain intact without further danger to the child.

The first of these goals directly involves school staff because of their frequent contact with children. The second and third goals often require the support of the school staff.

*1. Q. What is Child Abuse?

A. Child abuse is defined in Chapter 235A, Section 2 of the Code of Iowa as "any non-accidental physical injury suffered by a child as the result of the acts or omissions of the child's parents, guardians, or other person legally responsible for the child". Child is defined as "any person under the age of eighteen years".

2. Q. Why do school staff need to be aware of child abuse?

A. The child abuse law requires that certificated school employees such as teachers and administrators are mandated or legally required to report whenever in the course of employment the reporter believes or has reason to believe a child has been injured as a result of abuse. Other professionals required to report suspected child abuse and who may also be involved in the school setting are certified psychologists, health practitioners, and peace officers.

3. Q. Does a certificated school employee have to report child abuse observed outside of employment duties such as in the grocery store?

A. The employee may choose to report the abuse, but is not required to do so by law unless the reporting employee is made aware of the injury in the scope of employment. All persons are permitted and encouraged to report suspected abuse.

*Answers to questions #1, #9 and #16 may be changed due to legislative amendment.

4. Q. What happens if a certificated school employee suspects abuse in the scope of employment and knowingly fails to report?
- A. There are two potential penalties for the failure of mandated reporters to make a report. The criminal penalty is a maximum of one hundred dollars fine or imprisonment of not more than ten days. The civil penalty for failing to report a case of suspected child abuse when they know of such a situation is all damages proximately caused by the failure to report. Thus, a mandated reporter may be subjected to liability for such things as hospital expenses and doctor's bills for a second incidence of child abuse if the first one should have been reported and was not and the second one could have been avoided by reporting the first one.
5. Q. What kind of legal protections are provided for reporters if they are not correct in their reasonable belief of instances of child abuse?
- A. All persons making a report in good faith are immune from all civil or criminal liability, and all persons participating in judicial proceedings resulting from such a report are also immune.
6. Q. Will school employees become involved in legal disputes?
- A. Not usually. The intent of the legislation is to protect the child and to create more harmonious family relations. The vast majority of confirmed reports of child abuse will be handled through counseling and only the few more serious cases will be handled through legal action. Because those requiring legal action are usually more serious, it is important that reporters be willing to do what is necessary to help the child.
7. Q. What is the procedure for reporting child abuse?
- A. Child Abuse is to be reported to the principal, or the person designated by the principal immediately. That person is to immediately make an oral report to the local Department of Social Services and to make a written report to the local Department of Social Services within 48 hours after the oral report. If for any reason the person initiating the report to the principal or his designee feels the principal or his designee did not make the report, the original reporter should contact the Department of Social Services.

Both reports should include as much of the following information as possible: child's name, age, address; parent's name, address and telephone number; reason for suspecting abuse including previous injuries as well as any other information felt by the reporter to be important.

8. Q. What might cause a person to have reason to believe child abuse has occurred?
- A. A reporter would have cause to suspect abuse when the following is indicated:
- a. Injury sustained. Injuries sustained may include red marks, bruises, welts, lacerations, burns, sprains, and fractures.
 - b. Child's behavior or explanation of injury.
 - A child tells several conflicting stories as to the cause for the same injury.
 - A child seems to be frequently injured.
 - A child expresses reluctance to tell how the injury occurred.
 - A child is afraid to go home.
 - A child tells the teacher or playmate that someone in charge of him hurt him.
 - A child relates a story about the injury that seems inconsistent with the injury.
- *9. Q. Is neglect or sexual abuse a symptom of abuse which must be reported?
- A. A reporter may report neglect or sexual abuse, but he is not legally required to do so unless accompanying physical injury.
10. Q. May the school take photographs of the injury?
- A. Yes, any mandated reporter may cause to be taken, at public expense, photographs of the injury.
11. Q. What happens when a report is made to the Department of Social Services?
- A. The Department must complete its investigation within 96 hours unless the court grants an extension of time and forward that report to the Juvenile Court, County Attorney, and the Central Child Abuse Registry.
- The report is to include:
- a. Identification of the nature, extent and cause of the injuries, if any, to the child named in the report.
 - b. The identification of the person or persons responsible therefor.

- c. The name, age and condition of other children in the same home as the child named in the report.
- d. An evaluation of the home environment and relationship of the child named in the report and any other children in the same home as the parents or other persons responsible for their care.
- e. An investigation of all other pertinent matters.

12. Q. May social service workers contact the child at the school?

A. The law does not address the issue. However, since the intent of the legislation is to protect the child, schools are encouraged to cooperate as fully as possible and allow appropriate interviews. Schools may wish to have a professional staff member present at particular interviews. The school may wish to notify parents of the interview.

13. Q. What happens after the report is completed?

A. The department may determine there is no cause for concern, or provide services to help the family protect the child, or seek court intervention.

14. Q. What is the nature of the report?

A. The investigation is conducted in a civil rather than criminal manner as the intent of the law is to provide rehabilitative services.

15. Q. What should a reporter do who feels the Department of Social Services has failed to complete an investigation or to take the proper action?

A. Call the local Department of Social Services and arrange to inform the local supervisor of the concern.

All social workers in the Department have supervisors whose position requires that they are responsible for taking corrective actions.

*16. Q. Will the Department of Social Services let the school know what action has been taken?

A. The law does not permit the Department to share the content of the investigation which regrettably does not provide the feedback the parties concerned would like. The Department may only acknowledge receipt of the report and state that their report will be completed within 96 hours.

17. Q. What protections are available for persons against whom reports are made?

A. All reports must remain confidential, and are released only to persons who have a need to know their contents, such as physicians attending the child and social services investigators. Information is expunged from the record if investigation shows the report to be unfounded. Information may also be exchanged or corrected if later found to be erroneous. Persons against whom reports were made have the opportunity to review the material in the record and request hearings to have material corrected or removed. Civil and criminal penalties may be rendered against persons violating the confidentiality provisions of the Act.

Appendix B

State of Iowa

Department of Social Services

SUSPECTED CHILD ABUSE REPORTING FORM

This form may be used as the written report which the law requires all mandated reporters to file with the Department of Social Services, following an oral report of suspected child abuse.

FAMILY INFORMATION

Child's Name				Name of Parents or Guardian			
Child's Birthdate	MO	DAY	YR	Child's Age	School	Grade Level	
Parent's Address		Street		City		County	State
Child's Address		Street		City		County	State
Parent's Phone	AC			Child's Phone (if other than parents)	AC		
Other Children in Family	Name			Birthdate	Condition		
If additional space is needed use back of form							

INFORMATION ABOUT SUSPECTED ABUSE

Fill in all available information under each category

- A. Date of Suspected Abuse: _____
- B. Nature and Extent of Injury: _____
- C. Person thought to be responsible: _____
- D. Known or suspected cause of injury: _____
- E. Evidence of previous injury, if any: _____
- F. Any other pertinent information; additional comments: _____

REPORTER INFORMATION

Name		Occupation		Relationship to Child			
Office Address	Street	City	State	Phone	AC		

Date _____

Signature _____

Send to:

SS-1705-0 (8/77)

or 16

Appendix C

County	Number	County	Number
Adair	1-515-743-2119	Des Moines	1-319-753-1605
Adams	1-515-322-4031	Dickinson	1-712-336-2555
Allamakee	1-319-568-4583	Dubuque	1-319-583-9755
Appanoose	1-515-856-2161	Emmet	1-712-362-7237
Audubon	1-712-563-4259	Fayette	1-319-422-5634
Benton	1-319-471-4759	Floyd	1-515-228-5713
Black Hawk	1-319-291-2436	Franklin	1-515-456-4763
Boone	1-515-432-6377	Fremont	1-712-374-2512
Bremer	1-319-352-4233	Greene	1-515-386-2143
Buchanan	1-319-334-6091	Grundy	1-515-824-6941
Buena Vista	1-712-732-5409	Guthrie	1-515-747-3618
Butler	1-319-267-2594	Hamilton	1-515-832-2231
Calhoun	1-712-297-8524	Hancock	1-515-923-2177
Carroll	1-712-792-4391	Hardin	1-515-858-3461
Cass	1-712-243-4401	Harrison	1-712-644-2460
Cedar	1-319-886-6036	Henry	1-319-385-2350
Cerro Gordo	1-515-421-3088	Howard	1-319-547-2860
Cherokee	1-712-225-2588	Humboldt	1-515-332-3383
Chickasaw	1-515-394-4315	Ida	1-712-364-2631
Clarke	1-515-342-2161	Iowa	1-319-642-3032
Clay	1-712-262-3586	Jackson	1-319-652-4954
Clayton	1-319-245-1766	Jasper	1-515-792-1955
Clinton	1-319-242-0573	Jefferson	1-515-472-5011
Crawford	1-712-263-5668	Johnson	1-319-351-0200
Dallas	1-515-993-4264	Jones	1-319-462-3557
Davis	1-515-664-2239	Keokuk	1-515-622-2090
Decatur	1-515-446-4312	Kossuth	1-515-295-3343
Delaware	1-319-927-4512	Lee	1-319-372-3651
		Lee	1-319-524-1052

County	Number	County	Number
Linn	1-319-398-3950	Pottawattamie	1-712-328-5722
Louisa	1-319-523-6351	Poweshiek	1-515-236-3149
Lucas	1-515-774-5071	Ringgold	1-515-464-2247
Lyon	1-712-472-2669	Sac	1-712-662-4782
Madison	1-515-462-2931	Scott	1-319-326-8680
Mahaska	1-515-673-3496	Shelby	1-712-755-3145
Marion	1-515-284-5087	Sioux	1-712-737-2943
Marshall	1-515-752-6741	Story	1-515-233-3740
Mills	1-712-527-4803	Tama	1-515-484-3406
Mitchell	1-515-732-5524	Taylor	1-712-523-2129
Monona	1-712-423-1921	Union	1-515-782-8442
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South Office			
1-515-284-6358			
Pioneer-Columbus Office			
1-515-284-6341			
East Office	1-515-284-6382		
West Office	1-515-284-6404		

Mailing address for all Polk
County Offices is:

P. O. Box 756
Des Moines, Iowa 50303